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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,287	12/22/2005	Ivon Franciscus Helwegen	FR030071	5780
24737 7590 01/08/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHOW, LIXI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,287

Applicant(s)

HELWEGEN ET AL.

Examiner

Lixi Chow

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi Hideaki (JP-03012829; hereafter Hideaki).

Regarding claim 1:

Hideaki discloses an actuator position control method for use in a recorded information reproducing apparatus in which at least one beam is directed onto a recorded track formed on a rotating optical recording medium and a corresponding signal is produced in response to light reflected by said recorded track when scanned by said beam, said method comprising the steps of:

producing from a source of light at least said beam (see the figures in abstract);
scanning with said beam the recorded track (see the figures in abstract; beam 8);
controlling the position of said beam in response to position control signals (see abstract, col. 2, lines 1-3; tracking control is executed by the output values of the amplifier AP4);
said method being further characterized in that it also comprises the steps of:
producing an additional beam (see the figures in abstract; beam 9);
scanning in advance, with said additional beam, a portion of recorded track which is located in front of the portion of recorded track that will be later, after a predetermined delay, scanned by the main beam (see the top figure in abstract; beam 9 is in front of main beam 8);
on the basis of signals generated in response to the occurrence of possible defects detected by said additional beam on said front portion of recorded track, cancelling the effects of the variations of said corresponding signals, subsequent to variations of reflected light caused by said defects, by means of a modification of the position control signals generated for controlling the position of said main beam (see abstract, col. 2, lines 3-5).

Regarding claim 2:

Claim 2 recites an apparatus that essentially carries out the method of claim 1. Since Hideaki inherently teaches an apparatus that carries out the method recited in claim 1, therefore, claim 2 is also unpatentable over Hideaki.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al. (US 5,365,535; hereafter Yamaguchi).

Regarding claim 1:

Yamaguchi discloses an actuator position control method for use in a recorded information reproducing apparatus in which at least one beam is directed onto a recorded track formed on a rotating optical recording medium and a corresponding signal is produced in response to light reflected by said recorded track when scanned by said beam, said method comprising the steps of:

producing from a source of light at least said beam (see Fig. 29D, spot 709);

scanning with said beam the recorded track (see Fig. 29D);

controlling the position of said beam in response to position control signals (Yamaguchi inherently includes tracking control);

said method being further characterized in that it also comprises the steps of:

producing an additional beam (see Fig. 29D, spot 708);

scanning in advance, with said additional beam, a portion of recorded track which is located in front of the portion of recorded track that will be later, after a predetermined delay, scanned by the main beam (see col. 38, lines 52-54);

on the basis of signals generated in response to the occurrence of possible defects detected by said additional beam on said front portion of recorded track, cancelling the effects of the variations of said corresponding signals, subsequent to variations of reflected light caused by said defects, by means of a modification of the position control signals generated for controlling the position of said main beam (the purpose of detecting the defect in front of the main beam is to compensate or cancel of the effects of the variations caused by the defect on the optical disk; since Yamaguchi detects the defect in front of the main beam, that detected defect signal is inherently use to modify the position control signal).

Regarding claim 2:

Claim 2 recites an apparatus that essentially carries out the method of claim 1. Since Yamaguchi inherently teaches an apparatus that carries out the method recited in claim 1, therefore, claim 2 is also unpatentable over Yamaguchi.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sasaki et al. (US 7,095,693) is cited, because Sasaki et al. disclose an optical disc and control method using preceding sub-beam to detect a disc defect.

Yun et al. (US 6,480,445) is cited, because Yun et al. teach an optical disk reproducing apparatus that uses the main beam to detect defect on an optical disk.

Oonishi et al. (US 5,295,125) is cited, because Oonishi et al. illustrate an optical head device employing two beam system, where first one of the beams is use to cancel the amount of deviation caused by difference in refractive index between transparent substrates of different type of disks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 12/16/07


THANG V. TRAN
PRIMARY EXAMINER